# **ORIGINAL**

### STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

WISCONSIN CENTRAL LTD.,	)
Petitioner,	) )
v.	) )Docket No. T02-0029
ILLINOIS DEPARTMENT OF TRANSPORTATION,	, ) \
Respondents.	) ) ) Nov 4 2002
Petition of Wisconsin Central Ltd. seeking an order of the Illinois Commerce Commission directing that an additional track and grade crossing be constructed at Prospect Avenue (DOT 689-653G) on the Wisconsin Central Ltd. in the City of Des Plaines, Cook County, IL.	) Illinois Commerce Commission ) RAIL SAFETY SECTION

### **EXCEPTIONS TO PROPOSED ORDER**

NOW COMES Respondent Illinois Department of Transportation, by and through its attorney James Ryan, Attorney General, the State of Illinois, and for its Exceptions in the above-captioned matter states:

- 1. The fourth paragraph commencing on page 1 and carrying over to page 2 of the October 28, 2002 Proposed Order reads, in part, as follows:
  - . . . In Docket T99-0057, preemption time at the Touhy Avenue crossing was set at twenty-five (25) seconds . . . .
- 2. Respondent Illinois Department of Transportation submits that this sentence should be modified to accurately refer to the grade crossing in question, which is the Prospect Avenue grade crossing not Touhy Avenue.
- 3. The first ordering provision on page 3 of the October 28 Proposed Order reads,in part, as follows:
  - . . . to install constant warning times circuitry to the new track, and to relocate the existing traffic signals.
- 4. Respondent, Illinois Department of Transportation submits that this ordering provision should be modified as follows to accurately reflect the relationship between the parties:
  - . . . to install constant warning time circuitry to the new track, and to coordinate with the Department to relocate the existing traffic signals.



- 5. The fifth ordering provision on page 3 of the October 28, 2002 Proposed Order reads as follows:
  - IT IS FURTHER ORDERED that the minimum preemption time heretofore set at twenty-five (25) seconds in Docket T99-0057 be, and the same is hereby, increased to twenty-six (26) seconds.
- 6. Respondent Illinois Department of Transportation submits that this ordering provision should be modified to specifically refer to the grade crossing at issue (Prospect Avenue, DOT 689-653G) in order to eliminate any potential confusion, since Docket T99-0057 involves two separate and distinct grade crossings.

Respectfully submitted

Starcey C. Horlo

Special Assistant Attorney General

Dated Nov. 1, 2002

Illinois Department of Transportation 2300 South Dirksen Parkway, Room 311 Springfield, Illinois 62764 Telephone (217)782-3215

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Petition of Wisconsin Central Ltd. seeking an order of the Illinois Commerce Commission directing that an additional	) )
track and grade crossing be constructed at Prospect	)
Avenue (DOT 689-653G) on the Wisconsin Central Ltd. in	)
the City of Des Plaines, Cook County, IL.	)

#### **NOTICE OF FILING**

TO: Mr. Michael J. Barron, Atty. Mr. David R. Wiltse, City Atty.

PLEASE TAKE NOTICE that I have this 1st day of November, 2002, forwarded to Mr. Kevin Sharpe, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, Department's Exceptions To Proposed Order, a copy of which is attached hereto and hereby served upon you.

Stacey C. Hollo

Special Assistant Attorney General 2300 South Dirksen Parkway

Room 311

Springfield, Illinois 62764

(217) 782-3215

Counsel for the Illinois Department of Transportation

### **PROOF OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail,

Springfield, Illinois, this 1st day of November, 2002:

Mr. Michael J. Barron, Jr. General Attorney Wisconsin Central Ltd. P.O. Box 5062 Rosemont, IL 60017-5062

Mr. David R. Wiltse City Attorney City of Des Plaines 1420 Miner Des Plaines, IL 60016